

REMARKS/ARGUMENTS

Claims 1-12 and 73-78 are pending.

Claims 1-10 and 12 are hereby amended.

1. Claim 12 was rejected under 35 USC 101 as directed to non-statutory subject matter. The claim is here cancelled.
2. Claim 3 was rejected under 35 USC 112, first paragraph, as based on a disclosure which is not enabling. Claim 3 is here amended to replace the term “software” with the phrase “logical determiner”. The devices have processors and logic of operation per the disclosure.
3. Claims 73 and 76 were rejected under 35 USC 112, first paragraph, as failing to comply with the written description requirement. The claims are amended by replacing the terms “non-standard” protocols with the terms “specialized IP communications protocols” of the “OSI” model for packetized data communications. The replacement terms are found in the disclosure and in the disclosures of the related and incorporated applications/patents.
4. Claim 9 was rejected under 35 USC 112, first paragraph, as failing to comply with the written description requirement. The claim is here amended to replace “network logical switch” with the term “server” of the disclosure.
5. Claims 73 and 76 were rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims are amended by replacing the terms “non-standard” protocols with the terms “specialized IP communications protocols” of the “OSI” model for packetized data communications. The replacement terms are found in the disclosure and in the disclosures of the related and incorporated applications/patents

6. Claims 1-3, 5-6, and 8 were rejected under 35 USC 102(b) as being anticipated by Layson Jr. Applicant submits that Layson fails to disclose any server intermediation of communications between two devices. Rather, either (i) the server communicates separately with each respective device to determine locations or (ii) the devices determine adjacency of their locations without involvement of the server and then notify the server if adjacency is within a particular range. The devices communicate between themselves (but not through the server) solely for the purpose of detecting adjacency. There is not any selective communications that would be possible for the devices. In fact,

Applicant's claims already (i.e., prior form) stated that the server "intermediates" the communications between the devices. Thus, the server is required for the devices to communicate with each other, and the devices actually do communicate with each other only after the server permits and enables. Applicant has further amended the claims to clarify operations through the server for communications between the devices. Applicant's amendments in these regards are merely intended to clarify language and not as limitation.

Additionally, in certain Applicant claims, amendments point out that each respective device can direct the server to allow (or not) inter-device communications. Thus, in these certain claims, the device, itself, dictates, via directive to the server, whether or not to allow/enable communications of the device with another particular device.

7. Claims 9-12 were rejected under 35 USC 102(e) as being anticipated by Drutman. Claim 12 is here canceled. Claim 11 was previously canceled.

Drutman discloses a server computer that does not "intermediate" communications between first and second devices. In particular, once the server computer of Drutman finds the first and second device, the server computer delivers to each device a respective "locating

information” for the other device (e.g., Drutman, col. 9, lines 3-14). Then, the first and second devices can communicate without any handling of the communications by the server computer (e.g., Drutman, col. 9, lines 40-46).

Applicant’s claims instead provide for a server computer that continues to handle (i.e., “intermediate”) throughout the communications between first and second devices. Moreover, because the server computer intermediates the communications between first and second devices, the location information of each of the first and second device need not be communicated to the other, unless a particular device directs that its location information be sent to the other device.

8. Claim 7 was rejected under 35 USC 103(a) as being unpatentable over Layson Jr in view of Schwartz. Elements of Applicant’s claim are not taught or suggested by Layson, as discussed above. Schwartz does not address the deficiencies. The combination of Layson and Schwartz does not teach or suggest Applicant’s claimed inventions.

9. Claims 73-75 were rejected under 35 USC 103(a) as being as being unpatentable over Layson Jr. in view of Levac. Same as in 8, above. Levac merely addresses non-standard protocols in different context.

10. Claims 76-78 were rejected under 35 USC 103(a) as being as being unpatentable over Drutman in view of Levac. Drutman’s does not teach or suggest, as discussed in 7 above. Levac merely regards non-standard protocol.

11. Claim 4 was rejected under 35 USC 103(a) as being unpatentable over Layson Jr. in view of Drutman. Neither Layson, Drutman or the combination teaches or suggests server intermediation of communications between two client devices, where each client device, itself, directs (or not) the server to permit the communications.

If the Examiner has any questions or comments, the undersigned attorney for Applicant respectfully requests a call to discuss any issues. The Office is authorized to charge any excess fees or to credit any overage to the undersigned's Deposit Account No. 50-1350.

Respectfully submitted,

Date: August 22, 2007

By: / H. Dale Langley, Jr. /
H. Dale Langley, Jr.
Reg. No. 35,927

The Law Firm of H. Dale Langley, Jr.
610 West Lynn
Austin, Texas 78703
Telephone: (512) 477-3830
Facsimile: (512) 477-4080
E-Mail: dlangley@iptechlaw.com